

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2020 SEP 30 A 10:33

UNITED STATES OF AMERICA

v.

GEORGE E. SMITH, JR.

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CR 119-037

CLERK  
SO. DIST. OF GA.

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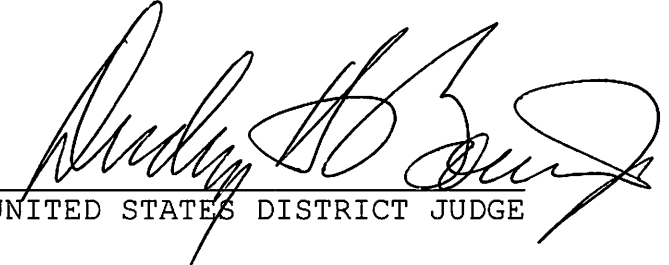
On September 3, 2020, Defendant George E. Smith, Jr. filed a motion to amend the Judgment and Commitment Order to place him in a Residential Re-Entry Center ("RCC") or halfway house or on home confinement. At the time, Defendant had not been transferred to the custody of the Bureau of Prisons ("BOP") even though he had been sentenced on December 17, 2019.

In his motion, Defendant's primary complaints are that the conditions of the county jail are not as agreeable as a federal prison and that he is being deprived of federal programs and facilities. Defendant is now in BOP custody so the basis for his motion is lacking. Moreover, this Court has no authority to order an inmate's placement in a particular facility or program. See, e.g., Jones v. Woods, 2019 WL 2754731, \*4 (M.D. Ala. Jun. 4, 2019) ("[T]he BOP retains total discretion in determining where a federal inmate is housed."); Brown v. Atkinson, 2010 WL 3659634, \*4 (S.D.

Fla. Jun. 11, 2010) (cited sources omitted). Finally, should Defendant wish to challenge the manner of execution of his sentence, he must file a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the district of his confinement. See Antonelli v. Warden, U.S.P. Atlanta, 542 F.3d 1348, 1352 (11<sup>th</sup> Cir. 2008) (“[C]hallenges to the execution of a sentence, rather than the validity of the sentence itself, are properly brought under § 2241.”).

In conclusion, this Court is unable to grant the relief Defendant seeks; his motion to amend his Judgment and Commitment Order (doc. no. 42) is therefore **DENIED**.

**ORDER ENTERED** at Augusta, Georgia, this 30<sup>th</sup> day of September, 2020.

  
UNITED STATES DISTRICT JUDGE